

The rejection of Claims 11, 15-18, 22-25, 29, 31-32, and 36-37 under 35 U.S.C. § 102(b) over Bengmark et al is believed to be obviated by the amendment above. More specifically, Applicants have cancelled independent Claims 11, 24, and 31 in favor or amended Claims 38-40 above which have been indicated by the Examiner a appearing to be free from the art. Moreover, all remaining dependent claims ultimately depend from Claims 38-40. Therefore, all remaining claims appear to be free from the art. Accordingly, withdrawal of this ground of rejection is respectfully requested.

At the outset, Applicants would like to thank Examiner Marx for the helpful comments during the courteous discussion of the present invention held on April 15, 2003, the results of which are summarized and expanded upon below. Further, Applicants thank Examiner Marx for indicating that the amended claims above appear to be free from the art. Further, Applicants note that Claims 38-40 have not been rejected on the basis of cited prior art. This was confirmed during the above-mentioned discussion with Examiner Marx.

The rejection of Claim 23 under 35 U.S.C. § 112, first paragraph, is obviated by the above amendment. More specifically, Claim 23 has been amended to remove the word "cancer." Accordingly, withdrawal of this ground of rejection is respectfully requested.

The Office has indicated that there is no support found in the specification for cancer to be categorized as an inflammatory disease. It should be noted, however, even if cancer may not be characterized as an inflammatory disease, the specification clearly provides support that chronic inflammation increases the risk of an increased aging process, atherosclerosis, and cancer. Therefore, the support clearly supports claims drawn to administering the claimed microorganism to a mammal in need thereof whom may have cancer or symptoms thereof. Accordingly, Applicants have added new Claims 41-43 to reflect the same.

The rejection of Claims 11, 18-21, 24-28, and 31-35 under 35 U.S.C. § 112, second paragraph, is obviated by the cancellation of these claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 38-40 under 35 U.S.C. § 112, second paragraph, is obviated by the above amendment. The Office rejects the claims on the basis that the claims fail to recite dosage and protocol of administration, as well as whether or not the microorganism is alive. Applicants have addressed these issues in accordance with the Examiner's suggestion by amending the independent Claims 38-40 to recite --the *Lactobacillus plantarum* 299v is administered to the mammal in need thereof in at least 25 mL/d of oatmeal gruel comprising at least  $1 \times 10^9$  cfu or an equivalent amount of *Lactobacillus plantarum* 299v for a time period of from 3 to 6 weeks.-- Therefore, a dosage and protocol of administration is disclosed. Further, the claims do specify whether the microorganism is alive or dead. Accordingly, withdrawal of this ground of rejection is respectfully requested.

All remaining claims have been amended as discussed during the discussion of the present application on April 15, 2003, with Examiner Marx. Applicants thank Examiner Marx for indicating that the above amendment furthers favorable prosecution of the present application.

Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested. Should anything further be required to place this application in condition for allowance, the Examiner is requested to contact Applicants' attorney by telephone.

Respectfully submitted,

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HEREWITH

IN THE CLAIMS

--15. (Amended) The method according to Claim [11] 38, wherein the at least one oxidative stress factor is selected from the group consisting of IL-1, IL-6, IL-8, 8-isoprostaglandin, vascular cell adhesion molecule, and intracellular adhesion molecule.

16. (Amended) The method according to Claim [11] 38, wherein the at least one oxidative stress is a reactive oxygen species.

17. (Amended) The method according to Claim [11] 38, wherein the at least one oxidative stress factor is produced by at least one member selected from the group consisting of monocytes and lymphocytes.

22. (Amended) The method according to Claim [11] 38, wherein the mammal in need thereof has at least one inflammatory disease or symptoms thereof.

23. (Amended) The method according to Claim 22, wherein the at least one inflammatory disease is selected from the group consisting of atherosclerosis, [cancer,] rheumatic disease, and psoriasis.

29 (Amended) The method according to Claim [24] 39, wherein the mammal in need thereof has at least one inflammatory disease or symptoms thereof.

30. (Amended) The method according to Claim 29, wherein the at least one inflammatory disease is selected from the group consisting of atherosclerosis, [cancer,] rheumatic disease, and psoriasis.

36. (Amended) The method according to Claim [31] 40, wherein the mammal in need thereof has at least one inflammatory disease or symptoms thereof.

37. (Amended) The method according to Claim 36, wherein the at least one inflammatory disease is selected from the group consisting of atherosclerosis, cancer, rheumatic disease, and psoriasis.

38. (Amended) A method of reducing a level of at least one oxidative stress factor in the blood of a mammal, comprising administering to a mammal in need thereof *Lactobacillus plantarum* 299v, wherein the level of the at least one oxidative stress factor is reduced compared to the level of the at least one oxidative stress factor in the absence of *Lactobacillus plantarum* 299v and the *Lactobacillus plantarum* 299v is administered to the mammal in need thereof in at least 25 [mL] mL/d of oatmeal gruel comprising at least  $1 \times 10^9$  cfu or an equivalent amount of *Lactobacillus plantarum* 299v for a time period of from 3 to 6 weeks.

39. (Amended) A method of increasing a level of the fecal concentration of propionic acid in a mammal, comprising administering to a mammal in need thereof *Lactobacillus plantarum* 299v, wherein the level of the fecal concentration of propionic acid is increased compared to the level of the fecal concentration of propionic acid in the absence of *Lactobacillus plantarum* 299v and the *Lactobacillus plantarum* 299v is administered to the mammal in need thereof in at least 25 [mL] mL/d of oatmeal gruel comprising at least  $1 \times 10^9$  cfu or an equivalent amount of *Lactobacillus plantarum* 299v for a time period of from 3 to 6 weeks.

40. (Amended) A method of reducing a level of adhesion of monocytes to endothelial cells in a mammal, comprising administering to a mammal in need thereof *Lactobacillus plantarum* 299v, wherein the level of adhesion of monocytes to endothelial cells is reduced compared to the level of adhesion of monocytes to endothelial cells in the absence of *Lactobacillus plantarum* 299v and the *Lactobacillus plantarum* 299v is administered to the mammal in need thereof in at least 25 [mL] mL/d of oatmeal gruel comprising at least  $1 \times 10^9$  cfu or an equivalent amount of *Lactobacillus plantarum* 299v for a time period of from 3 to 6 weeks.--

--Claims 11, 18-21, 24-28, and 31-35 are cancelled.--

--Claims 41-43 are new.